



PreK – 12 Education Committee
March 28 2006
1:00 - 4:00 p.m.
Morris Hall (17 HOB)

ACTION PACKET

Allan G. Bense
Speaker

Ralph Arza
Committee Chair

COMMITTEE MEETING REPORT

PreK-12 Committee

3/28/2006 1:00:00PM

Location: Morris Hall (17 HOB)

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Rafael Arza (Chair)	X		
Loranne Ausley	X		
Ellyn Setnor Bogdanoff	X		
Marti Coley	X		
Frank Farkas	X		
Kenneth Gottlieb	X		
Stan Mayfield	X		
Dave Murzin	X		
Joe Pickens	X		
Curtis Richardson	X		
Anthony Traviesa	X		
Totals:	11	0	0

March 28, 2006

Committee meeting was reported out: Tuesday, March 28, 2006 5:12:35PM

COMMITTEE MEETING REPORT

PreK-12 Committee

3/28/2006 1:00:00PM

Location: Morris Hall (17 HOB)

HB 389 : Public School Employment

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Loranne Ausley		X			
Ellyn Setnor Bogdanoff	X				
Marti Coley	X				
Frank Farkas	X				
Kenneth Gottlieb		X			
Stan Mayfield			X		
Dave Murzin	X				
Joe Pickens	X				
Curtis Richardson			X		
Anthony Traviesa	X				
Rafael Arza (Chair)	X				
Total Yeas: 7		Total Nays: 2			

March 28, 2006

Committee meeting was reported out: Tuesday, March 28, 2006 5:12:35PM

COMMITTEE MEETING REPORT

PreK-12 Committee

3/28/2006 1:00:00PM

Location: Morris Hall (17 HOB)

HB 403 : School Attendance

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Loranne Ausley	X				
Ellyn Setnor Bogdanoff	X				
Marti Coley	X				
Frank Farkas			X		
Kenneth Gottlieb	X				
Stan Mayfield			X		
Dave Murzin	X				
Joe Pickens			X		
Curtis Richardson			X		
Anthony Traviesa	X				
Rafael Arza (Chair)	X				
Total Yeas: 7		Total Nays: 0			

March 28, 2006

Committee meeting was reported out: Tuesday, March 28, 2006 5:12:35PM

COMMITTEE MEETING REPORT

PreK-12 Committee

3/28/2006 1:00:00PM

Location: Morris Hall (17 HOB)

HB 679 : Health-Related Education in the Public Schools

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Loranne Ausley	X				
Ellyn Setnor Bogdanoff	X				
Marti Coley	X				
Frank Farkas	X				
Kenneth Gottlieb	X				
Stan Mayfield			X		
Dave Murzin	X				
Joe Pickens			X		
Curtis Richardson	X				
Anthony Traviesa	X				
Rafael Arza (Chair)		X			
Total Yeas: 8		Total Nays: 1			

March 28, 2006

Committee meeting was reported out: Tuesday, March 28, 2006 5:12:35PM

COMMITTEE MEETING REPORT

PreK-12 Committee

3/28/2006 1:00:00PM

Location: Morris Hall (17 HOB)

HB 745 : School Improvement and Education Accountability

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Loranne Ausley		X			
Ellyn Setnor Bogdanoff	X				
Marti Coley	X				
Frank Farkas	X				
Kenneth Gottlieb		X			
Stan Mayfield			X		
Dave Murzin	X				
Joe Pickens			X		
Curtis Richardson		X			
Anthony Traviesa	X				
Rafael Arza (Chair)	X				
Total Yeas: 6		Total Nays: 3			

March 28, 2006

Committee meeting was reported out: Tuesday, March 28, 2006 5:12:35PM

COMMITTEE MEETING REPORT

PreK-12 Committee

3/28/2006 1:00:00PM

Location: Morris Hall (17 HOB)

HB 967 : Public K-12 Educational Instruction

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Loranne Ausley		X			
Ellyn Setnor Bogdanoff	X				
Marti Coley	X				
Frank Farkas	X				
Kenneth Gottlieb		X			
Stan Mayfield			X		
Dave Murzin	X				
Joe Pickens			X		
Curtis Richardson			X		
Anthony Traviesa	X				
Rafael Arza (Chair)	X				
Total Yeas: 6		Total Nays: 2			

March 28, 2006

Committee meeting was reported out: Tuesday, March 28, 2006 5:12:35PM

COMMITTEE MEETING REPORT

PreK-12 Committee

3/28/2006 1:00:00PM

Location: Morris Hall (17 HOB)

HB 1003 : High School Athletics

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Loranne Ausley	X				
Ellyn Setnor Bogdanoff	X				
Marti Coley	X				
Frank Farkas	X				
Kenneth Gottlieb	X				
Stan Mayfield			X		
Dave Murzin	X				
Joe Pickens			X		
Curtis Richardson			X		
Anthony Traviesa	X				
Rafael Arza (Chair)	X				
Total Yeas: 8		Total Nays: 0			

March 28, 2006

Committee meeting was reported out: Tuesday, March 28, 2006 5:12:35PM

COMMITTEE MEETING REPORT

PreK-12 Committee

3/28/2006 1:00:00PM

Location: Morris Hall (17 HOB)

HB 1005 : Public Records and Public Meetings Exemptions

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Loranne Ausley	X				
Ellyn Setnor Bogdanoff	X				
Marti Coley	X				
Frank Farkas	X				
Kenneth Gottlieb	X				
Stan Mayfield			X		
Dave Murzin	X				
Joe Pickens			X		
Curtis Richardson			X		
Anthony Traviesa	X				
Rafael Arza (Chair)	X				
Total Yeas: 8		Total Nays: 0			

March 28, 2006

Committee meeting was reported out: Tuesday, March 28, 2006 5:12:35PM

COMMITTEE MEETING REPORT

PreK-12 Committee

3/28/2006 1:00:00PM

Location: Morris Hall (17 HOB)

HB 1243 : Education Personnel

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Loranne Ausley		X			
Ellyn Setnor Bogdanoff	X				
Marti Coley	X				
Frank Farkas	X				
Kenneth Gottlieb		X			
Stan Mayfield			X		
Dave Murzin	X				
Joe Pickens			X		
Curtis Richardson			X		
Anthony Traviesa	X				
Rafael Arza (Chair)	X				
Total Yeas: 6		Total Nays: 2			

March 28, 2006

Committee meeting was reported out: Tuesday, March 28, 2006 5:12:35PM

COMMITTEE MEETING REPORT

PreK-12 Committee

3/28/2006 1:00:00PM

Location: Morris Hall (17 HOB)

HB 1427 : Education

Unfavorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Loranne Ausley	X				
Ellyn Setnor Bogdanoff		X			
Marti Coley		X			
Frank Farkas			X		
Kenneth Gottlieb	X				
Stan Mayfield		X			
Dave Murzin		X			
Joe Pickens			X		
Curtis Richardson	X				
Anthony Traviesa		X			
Rafael Arza (Chair)		X			
Total Yeas: 3		Total Nays: 6			

Appearances:

Lara McKnight (General Public) - Proponent
4200 Langley Ave.
Pensacola Florida 32504
Phone: 850-479-9626

Sherman Dorn (State Employee) - Proponent
14309 Ravenwood Lane
Tampa Florida 33618
Phone: 813-968-7048

Jon Twing (General Public) - Opponent
Pearson Educational Measurement
2510 W. Dodge St.
Iowa City Iowa 52245
Phone: 319-339-6407

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Committee meeting was reported out: Tuesday, March 28, 2006 5:12:35PM

COMMITTEE MEETING REPORT

PreK-12 Committee

3/28/2006 1:00:00PM

Location: Morris Hall (17 HOB)

HB 1619 : Supplemental Powers and Duties of District School Boards

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Loranne Ausley	X				
Ellyn Setnor Bogdanoff			X		
Marti Coley	X				
Frank Farkas			X		
Kenneth Gottlieb	X				
Stan Mayfield			X		
Dave Murzin	X				
Joe Pickens			X		
Curtis Richardson			X		
Anthony Traviesa	X				
Rafael Arza (Chair)	X				
Total Yeas: 6		Total Nays: 0			

March 28, 2006

Committee meeting was reported out: Tuesday, March 28, 2006 5:12:35PM

COMMITTEE MEETING REPORT

PreK-12 Committee

3/28/2006 1:00:00PM

Location: Morris Hall (17 HOB)

Summary:

PreK-12 Committee

Tuesday March 28, 2006 01:00 pm

HB 389	Favorable With Committee Substitute	Yeas: 7	Nays: 2
HB 403	Favorable With Committee Substitute	Yeas: 7	Nays: 0
HB 679	Favorable With Committee Substitute	Yeas: 8	Nays: 1
HB 745	Favorable	Yeas: 6	Nays: 3
HB 967	Favorable With Committee Substitute	Yeas: 6	Nays: 2
HB 1003	Favorable	Yeas: 8	Nays: 0
HB 1005	Favorable	Yeas: 8	Nays: 0
HB 1243	Favorable With Committee Substitute	Yeas: 6	Nays: 2
HB 1427	Unfavorable	Yeas: 3	Nays: 6
HB 1619	Favorable With Committee Substitute	Yeas: 6	Nays: 0

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Committee meeting was reported out: Tuesday, March 28, 2006 5:12:35PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No. 389

COUNCIL/COMMITTEE ACTION

ADOPTED	<u>Y</u>	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	—	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	—	

1 Council/Committee hearing bill: PreK-12

2 Representative Arza offered the following:

3
4
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14

Amendment

On page 3, remove lines 72 through 76 and insert:

his or her application for retirement benefits. District school boards reemploying retirees in positions specified in this subparagraph are subject to the retirement contribution required by subparagraph 7. ~~District school boards reemploying such teachers, education paraprofessionals, transportation assistants, bus drivers, or food service workers are subject to the retirement contribution required by subparagraph 7.~~

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2

Bill No. 389

COUNCIL/COMMITTEE ACTION

ADOPTED	<u>Y</u>	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	—	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	—	

1 Council/Committee hearing bill: PreK-12
 2 Representative Arza offered the following:

Amendment

5 On page 6, remove lines 154 through 157 and insert:
 6 application for retirement benefits. The Board of Trustees of
 7 the Florida School for the Deaf and the Blind reemploying
 8 retirees in positions specified in this subparagraph is subject
 9 to the retirement contribution required by subparagraph 7.—The
 10 ~~Board of Trustees of the Florida School for the Deaf and the~~
 11 ~~Blind reemploying such teachers, residential instructors, or~~
 12 ~~nurses is subject to the retirement contribution required by~~
 13 ~~subparagraph 7.~~ Reemployment

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 3

Bill No. 389

COUNCIL/COMMITTEE ACTION

ADOPTED	<input checked="" type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input type="checkbox"/>	(Y/N)
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	<input type="checkbox"/>	(Y/N)
OTHER	<input type="checkbox"/>	

1 Council/Committee hearing bill: PreK-12 Committee
 2 Representatives Pickens and Traviesa offered the following:

Amendment

5 Remove line 262 and insert:

7 Section 2. This act shall take effect July 1, 2006, if
 8 House Joint Resolution 447 or similar legislation is adopted in
 9 the same legislative session.

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===== T I T L E A M E N D M E N T =====

14 Remove line 7 and insert:

16 a contingent effective date.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No. 403

COUNCIL/COMMITTEE ACTION

ADOPTED	<u>Y</u>	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	—	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	_____	

1 Council/Committee hearing bill: PreK-12

2 Representative McInvale offered the following:

3
4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6
7 Section 1. Paragraph (b) of subsection (1) of section
8 1003.02, Florida Statutes is amended to read:

9
10 1003.02 District school board operation and control of
11 public K-12 education within the school district. As provided
12 in part II of chapter 1001, district school boards are
13 constitutionally and statutorily charged with the operation and
14 control of public K-12 education within their school district.
15 The district school boards must establish, organize, and operate
16 their public K-12 schools and educational programs, employees,
17 and facilities. Their responsibilities include staff
18 development, public K-12 school student education including
19 education for exceptional students and students in juvenile
20 justice programs, special programs, adult education programs,
21 and career education programs. Additionally, district school
22 boards must:

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

23 (1) Provide for the proper accounting for all students of
24 school age, for the attendance and control of students at
25 school, and for proper attention to health, safety, and other
26 matters relating to the welfare of students in the following
27 fields:

28 (b) Enforcement of attendance laws.--Provide for the
29 enforcement of all laws and rules relating to the attendance of
30 students at school. District school boards are authorized to
31 establish policies that allow accumulated unexcused tardies,
32 regardless of when they occur during the school day, and early
33 departures from school to be recorded as unexcused absences.
34 District school boards are also authorized to establish policies
35 that require referral to schools' child study teams for students
36 who have fewer absences than the number required by s.
37 1003.26(1)(b), F.S.

38
39 Section 2. Paragraph (c) of subsection (1) of section
40 1003.21, Florida Statutes, is amended to read:

41
42 (1) (c) A student who attains the age of 16 years during
43 the school year is not subject to compulsory school attendance
44 beyond the date upon which he or she attains that age if the
45 student files a formal declaration of intent to terminate school
46 enrollment with the district school board. Public school
47 students who have attained the age of 16, and who have not
48 graduated, are subject to compulsory school attendance until the
49 formal declaration of intent is filed with the district school
50 board. The declaration must acknowledge that terminating school
51 enrollment is likely to reduce the student's earning potential
52 and must be signed by the student and the student's parent. The
53 school district must notify the student's parent of receipt of

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

54 the student's declaration of intent to terminate school
55 enrollment. The student's guidance counselor or other school
56 personnel must conduct an exit interview with the student to
57 determine the reasons for the student's decision to terminate
58 school enrollment and actions that could be taken to keep the
59 student in school. The student must be informed of
60 opportunities to continue his or her education in a different
61 environment, including, but not limited to, adult education and
62 GED test preparation. Additionally, the student must complete a
63 survey in a format prescribed by the Department of Education to
64 provide data on student reasons for terminating enrollment and
65 actions taken by schools to keep students enrolled.
66

67 Section 3. Paragraph (c) of subsection (1), and subsection
68 (3) of section 1003.26, Florida Statutes, is amended to read:

69
70 1003.26 Enforcement of school attendance.--The Legislature
71 finds that poor academic performance is associated with
72 nonattendance and that school districts ~~schools~~ must take an
73 active role in promoting and enforcing attendance ~~as a means of~~
74 improving student ~~the performance of many students.~~ It is the
75 policy of the state that each district school superintendent be
76 responsible for enforcing school attendance of all students
77 subject to the compulsory school age in the school district and
78 supporting enforcement of school attendance by local law
79 enforcement agencies. The responsibility includes recommending
80 policies and procedures to the district school board ~~policies~~
81 ~~and procedures to ensure that~~ require public schools to respond
82 in a timely manner to every unexcused absence, and every ~~or~~
83 absence for which the reason is unknown, of students enrolled in
84 the schools. District school board policies shall ~~must~~ require

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

85 ~~the each~~ parent of a student to justify each absence of the
86 student, and that justification will be evaluated based on
87 adopted district school board policies that define excused and
88 unexcused absences. The policies must provide that public
89 schools track excused and unexcused absences and contact the
90 home in the case of an unexcused absence from school, or an
91 absence from school for which the reason is unknown, to prevent
92 the development of patterns of nonattendance. The Legislature
93 finds that early intervention in school attendance ~~matters is~~
94 the most effective way of producing good attendance habits that
95 will lead to improved student learning and achievement. Each
96 public school shall implement the following steps to promote and
97 enforce regular school attendance:

98 (1) CONTACT, REFER, AND ENFORCE.--

99 (c) If an initial meeting does not resolve the problem,
100 the child study team shall implement the following interventions
101 ~~that best address the problem. The interventions may include,~~
102 ~~but need not be limited to:~~

103 1. Frequent attempts at communication between the teacher
104 and the family;

105 ~~2. Changes in the learning environment;~~

106 ~~3. Mentoring;~~

107 ~~4. Student counseling;~~

108 ~~5. Tutoring, including peer tutoring;~~

109 ~~6. Placement into different classes;~~

110 2. 7. Evaluation for alternative education programs; and

111 3. 8. Attendance contracts.†

112 ~~9. Referral to other agencies for family services; or~~

113 ~~10. Other interventions, including, but not limited to, a~~
114 truancy petition pursuant to s. 984.151.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

115 The child study team may, but is not required to, implement
116 other interventions including referral to other agencies for
117 family services or a truancy petition pursuant to s.984.151.
118

119 (3) RETURN STUDENT TO PARENT.--A designated school
120 representative may ~~shall~~ visit the home or place of residence of
121 a student and any other place in which he or she is likely to
122 find any student who is required to attend school when the
123 student is not enrolled or is absent from school during school
124 hours without an excuse, and, when the student is found, shall
125 return the student to his or her parent or to the principal or
126 teacher in charge of the school, or to the private tutor from
127 whom absent, or to the juvenile assessment center or other
128 location established by the district school board to receive
129 students who are absent from school. Upon receipt of the
130 student, the parent shall be immediately notified.
131
132

133 ===== T I T L E A M E N D M E N T =====

134 Remove the entire title and insert:

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135 A bill to be entitled

136 An act relating to school attendance; amending s. 1003.02, F.S.;
137 authorizing district school board attendance policies to allow
138 accumulated tardies to be counted as unexcused absences;
139 authorizing district school board to adopt policies for referral
140 to a child study team of students with fewer absences than
141 required in s. 1003.26(1), F.S.; amending s. 1003.21, F.S.;
142 providing that students who have attained age 16, who have not
143 yet graduated, are subject to compulsory school attendance;
144 requiring student exit interviews prior to terminating school
145 enrollment; amending s. 1003.26, F.S.; providing district school

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

146 superintendent's responsibility to support local law enforcement
147 agencies in enforcing school attendance; providing required
148 child study team interventions; providing an effective date.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No. 679

COUNCIL/COMMITTEE ACTION

ADOPTED	<u>Y</u>	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	—	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	—	

Council/Committee hearing bill: PreK-12

Representative Arza offered the following:

Amendment Remove everything after the enacting clause and insert:

Section 1. Section 1003.453, Florida Statutes, is created to read:

1003.453 School wellness and physical education policies; nutrition guidelines.--

(1) By September 1, 2006, each school district shall submit to the Department of Education a copy of its school wellness policy as required by the Child Nutrition and WIC Reauthorization Act of 2004 and a copy of its physical education policy required under s.

1003.455. Each school district shall annually review its school wellness policy and physical education policy and provide a procedure for public input and revisions. In addition, each school district shall send an updated copy of its wellness policy and physical education policy to the department when a change or revision is made.

(2) By December 1, 2006, the department shall post links to each school district's school wellness policy and physical education policy on its website so that the policies can be accessed and reviewed by the public. Each school district shall provide the most current versions of its school wellness policy and physical education policy on the district's website.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

25 (3) By December 1, 2006 the department must provide on its
26 website links to resources that include information regarding:

27 (a) Classroom instruction on the benefits of exercise and
28 healthful eating.

29 (b) Classroom instruction on the health hazards of using
30 tobacco and being exposed to tobacco smoke.

31 (c) The eight components of a coordinated school health
32 program, including health education, physical education, health
33 services, and nutrition services.

34 (d) The core measures for school health and wellness, such as
35 the School Health Index.

36 (e) Access for each student to the nutritional content of
37 foods and beverages and to healthful food choices in accordance with
38 the dietary guidelines of the United States Department of Agriculture.

39 (f) Multiple examples of school wellness policies for school
40 districts.

41 (g) Examples of wellness classes that provide nutrition
42 education for teachers and school support staff, including
43 encouragement to provide classes that are taught by a licensed
44 nutrition professional from the school nutrition department.

45 (4) School districts are encouraged to provide basic training
46 in first aid, including cardiopulmonary resuscitation, for all
47 students, beginning in grade 6 and every 2 years thereafter. Private
48 and public partnerships for providing training or necessary funding
49 are encouraged.

50 Section 2. Section 1003.455, Florida Statutes, is amended to
51 read:

52 1003.455 Physical education; assessment.--

53 (1) It is the responsibility of each district school board to
54 develop a physical education program that stresses physical fitness
55 and encourages healthful healthy, active lifestyles and to encourage
56 all students in prekindergarten through grade 12 to participate in
57 physical education. Physical education shall consist of physical
58 activities of at least a moderate intensity level and for a duration

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

59 sufficient to provide a significant health benefit to students,
60 subject to the differing capabilities of students. All physical
61 education programs and curricula must be reviewed by a certified
62 physical education instructor.

63 (2) Each district school board shall, ~~no later than December~~
64 ~~1, 2004,~~ adopt a written physical education policy that details the
65 school district's physical education program and expected program
66 outcomes. ~~Each district school board shall provide a copy of its~~
67 ~~written policy to the Department of Education by December 15, 2004.~~

68 (3) Each district school board is encouraged to provide 150
69 minutes of physical education each week for students in kindergarten
70 through grade 5 and 225 minutes each week for students in grades 6
71 through 8. Any district that does not adopt a physical education
72 policy by December 1, 2004, shall, at a minimum, implement a mandatory
73 physical education program for kindergarten through grade 5 which
74 provides students with 30 minutes of physical education each day, 3
75 days a week.

76 Section 3. Subsections (2) and (5) of section
77 381.0056, Florida Statutes, are amended to read:

78 381.0056 School health services program.--

79 (2) The Legislature finds that health services conducted as a
80 part of the total school health program should be carried out to
81 appraise, protect, and promote the health of students. School health
82 services supplement, rather than replace, parental responsibility and
83 are designed to encourage parents to devote attention to child health,
84 to discover health problems, and to encourage use of the services of
85 their physicians, dentists, and community health agencies. Each school
86 shall annually provide parents with information on ways that they can
87 help their children to be physically active and to eat healthful
88 foods.

89 (5) (a) Each county health department shall develop, jointly
90 with the district school board and the local school health advisory
91 committee, a school health services plan; and the plan must ~~shall~~
92 include, at a minimum, provisions for:

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

- 93 1.~~(a)~~ Health appraisal;
- 94 2.~~(b)~~ Records review;
- 95 3.~~(c)~~ Nurse assessment;
- 96 4.~~(d)~~ Nutrition assessment;
- 97 5.~~(e)~~ A preventive dental program;
- 98 6.~~(f)~~ Vision screening;
- 99 7.~~(g)~~ Hearing screening;
- 100 8.~~(h)~~ Scoliosis screening;
- 101 9.~~(i)~~ Growth and development screening;
- 102 10.~~(j)~~ Health counseling;
- 103 11.~~(k)~~ Referral and followup of suspected or confirmed health
104 problems by the local county health department;
- 105 12.~~(l)~~ Meeting emergency health needs in each school;
- 106 13.~~(m)~~ County health department personnel to assist school
107 personnel in health education curriculum development;
- 108 14.~~(n)~~ Referral of students to appropriate health treatment,
109 in cooperation with the private health community whenever possible;
- 110 15.~~(o)~~ Consultation with a student's parent or guardian
111 regarding the need for health attention by the family physician,
112 dentist, or other specialist when definitive diagnosis or treatment is
113 indicated;
- 114 16.~~(p)~~ Maintenance of records on incidents of health problems,
115 corrective measures taken, and such other information as may be needed
116 to plan and evaluate health programs; except, however, that provisions
117 in the plan for maintenance of health records of individual students
118 must be in accordance with s. 1002.22;
- 119 17.~~(q)~~ Health information which will be provided by the school
120 health nurses, when necessary, regarding the placement of students in
121 exceptional student programs and the reevaluation at periodic
122 intervals of students placed in such programs; and
- 123 18.~~(r)~~ Notification to the local nonpublic schools of the
124 school health services program and the opportunity for representatives
125 of the local nonpublic schools to participate in the development of
126 the cooperative health services plan.

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(b) Each school health advisory committee must, at a minimum, include members who represent the eight component areas of the Coordinated School Health model as defined by the Centers for Disease Control and Prevention. School health advisory committees are encouraged to address the eight components of the Coordinated School Health model in the school district's school wellness policy pursuant to s.1003.453.

Section 4. This act shall take effect July 1, 2006.

===== T I T L E A M E N D M E N T =====

Remove the entire title and insert:

A bill to be entitled
An act relating to health-related education in the public schools; creating s. 1003.453, F.S.; requiring each school district to submit to the Department of Education, by a specified deadline, copies of the district's school wellness policy and physical education policy; requiring the school district to review those policies annually; requiring the department and the school districts to post links to those policies on their websites; requiring the department to provide Internet links to resources for school districts and the public and prescribing the types of information that those resources must provide; encouraging school districts to provide training in first aid; amending s. 1003.455, F.S.; requiring that school district physical education programs and curricula be developed with the involvement of and review by a certified physical education instructor; encouraging school districts to provide physical education for a specified amount of time; deleting obsolete language; amending s. 381.0056, F.S., the "School Health Services Act"; requiring schools to provide certain

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159 information to students' parents or guardians; providing
160 requirements relating to committees; encouraging the committees
161 to address specified matters; providing an effective date.

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COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN Y (Y/N)
OTHER _____

1 Council/Committee hearing bill: PreK-12
2 Representative Sobel offered the following:

3
4 **Amendment to Amendment (1) by Representative Arza**

5 On page 5 between lines 133 and 134 insert:

6 Section 4. Representative Rafael Arza will mudwrestle
7 Representative Bob Henriquez annually on April 1 in the Capital
8 courtyard. Proceeds from ticket sales for this event shall be
9 donated to the American Heart Association.

10
11 Section 5. This act shall take effect July 1, 2006.

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Bill No. 967

COUNCIL/COMMITTEE ACTION

ADOPTED	<u>Y</u>	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	—	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	—	

1 Council/Committee hearing bill: PreK-12
 2 Representative Glorioso offered the following:

Amendment (with title amendment)

Remove line 124 and insert:

Standards adopted by the State Board of Education

===== T I T L E A M E N D M E N T =====

Remove lines 6 through 7 and insert:

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States and free enterprise; requiring standards adopted by the
State Board of Education to

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Amendment No. 2

Bill No. 967

COUNCIL/COMMITTEE ACTION

ADOPTED	<u>Y</u>	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	—	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	—	

1 Council/Committee hearing bill: PreK-12
2 Representative Glorioso offered the following:

3
4 **Amendment**

5
6 Remove lines 130 through 131 and insert:
7 school, one grade level in middle school, and one grade level in
8 high school.
9
10

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Amendment No. 1

Bill No. 1243

COUNCIL/COMMITTEE ACTION

ADOPTED	<u>Y</u>	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	—	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	_____	

1 Council/Committee hearing bill: PreK-12 Committee
 2 Representatives Pickens and Traviesa offered the following:

Amendment

Remove line 95 and insert:

7 Section 2. This act shall take effect July 1, 2006, if
 8 House Joint Resolution 447 or similar legislation is adopted in
 9 the same legislative session.

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===== T I T L E A M E N D M E N T =====

Remove line(s) 8-9 and insert:

16 unit to which it provides service; providing a contingent
 17 effective date.

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Amendment No. 1

Bill No. 1427

COUNCIL/COMMITTEE ACTION

ADOPTED — (Y/N)
ADOPTED AS AMENDED — (Y/N)
ADOPTED W/O OBJECTION — (Y/N)
FAILED TO ADOPT ~~—~~ (Y/N)
WITHDRAWN — (Y/N)
OTHER —

1 Council/Committee hearing bill: PreK-12 Committee
2 Representative Richardson offered the following:

3
4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6
7 Be It Enacted by the Legislature of the State of Florida:

8
9 Section 1. Paragraph (a) of subsection (6) of section
10 1002.20, Florida Statutes, is amended to read:

11 1002.20 K-12 student and parent rights --Parents of public
12 school students must receive accurate and timely information
13 regarding their child's academic progress and must be informed
14 of ways they can help their child to succeed in school. K-12
15 students and their parents are afforded numerous statutory
16 rights including, but not limited to, the following:

17 (6) EDUCATIONAL CHOICE.--

18 (a) Public school choices.--Parents of public school
19 students may seek whatever public school choice options that are
20 ~~applicable to their students and are~~ available to students in
21 their school districts. These options may include controlled
22 open enrollment, lab schools, charter schools, charter technical

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23 career centers, magnet schools, alternative schools, special
24 programs, academy programs, advanced placement, dual enrollment,
25 International Baccalaureate, International General Certificate
26 of Secondary Education (pre-AICE), Advanced International
27 Certificate of Education, early admissions, credit by
28 examination or demonstration of competency, the New World School
29 of the Arts, the Florida School for the Deaf and the Blind, and
30 the Florida Virtual School. These options may also include the
31 public school choice options of the ~~Opportunity Scholarship~~
32 ~~Program and the McKay Scholarships for Students with~~
33 Disabilities Program.

34 Section 2. Subsections (1), (2), and (5) of section
35 1002.31, Florida Statutes, are amended to read:

36 1002.31 Public school parental choice.--

37 (1) As used in this section, "controlled open enrollment"
38 means a public education delivery system that allows school
39 districts to make student school assignments using parents'
40 indicated preferential school choice as a significant factor.

41 (2) Each district school board may offer controlled open
42 enrollment within the public schools. The controlled open
43 enrollment program shall be offered in addition to the existing
44 choice programs such as magnet schools, alternative schools,
45 special programs, academy programs, advanced placement, and dual
46 enrollment.

47 (5) Each school district shall develop a system of
48 priorities for its plan that includes consideration of the
49 following:

50 (a) An application process required to participate in the
51 controlled open enrollment program.

52 (b) A process that allows parents to declare school
53 preferences.

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4 (c) A process that allows ~~encourages~~ placement of siblings
55 within the same school.

56 (d) A lottery procedure used by the school district to
57 determine student assignment.

58 (e) An appeals process for hardship cases.

59 (f) The procedures to maintain socioeconomic, demographic,
60 and racial balance.

61 (g) The availability of transportation.

62 (h) A process that promotes strong parental involvement,
63 including the designation of a parent liaison.

64 (i) A strategy that establishes a clearinghouse of
65 information designed to assist parents in making informed
66 choices.

67 Section 3. Section 1002.391, Florida Statutes, is created
68 to read:

69 1002.391 Public school academy programs; public schools.--

70 (1) The Department of Education shall develop by January
71 1, 2007, a plan for school districts to establish academy
72 programs in every public school where feasible. Based on the
73 school-within-a-school concept, academy programs shall be
74 multiple programs within one school facility that allow students
75 to concentrate on unique and specialized tracks of study of
76 their choosing. The department's plan shall be based on the
77 following:

78 (a) Students in each academy program shall be required to
79 take a base of core-curricula courses in addition to specialized
80 courses unique to each program.

81 (b) The plan shall include a waiver provision for school
82 districts to continue offering traditional single-track programs
83 if it is not feasible for them to offer multi-track academy
84 programs within individual schools.

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85 (c) Parents shall be empowered to transfer their child to
86 a different academy program if the expectations of the parents
87 and/or the student are not met within the program in which the
88 child is enrolled. Except as provided in paragraph (d), once a
89 child begins an academic year in an academy, he or she is
90 required to attend that academy for the remainder of the
91 academic year.

92 (d) Parents may apply to move their child to another
93 academy program before the end of the academic year if special
94 circumstances warrant such action, according to a process
95 developed by the department.

96 (2) Parents shall be empowered to transfer their child to
97 a different public school within the school district if the
98 expectations of the parents and/or the student are not met in
99 the school in which the child is enrolled. Once a child begins
100 an academic year in a school, he or she is required to attend
101 that school for the remainder of the academic year. However, if
102 special circumstances warrant such action, parents may apply to
103 move their child to another school before the end of the
104 academic year, according to a process developed by the
105 department.

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106 (3) The Department of Education shall use Every Child
107 Matters Program funds, pursuant to s. 1008.36, to reimburse
108 school districts for reasonable costs to provide transportation
109 for students who attend academy programs or schools outside of
110 their school zone.

111 Section 4. Subsection (2) of section 1008.22, Florida
112 Statutes, is amended, paragraphs (d), (e), and (f) of subsection
113 (3) are redesignated as paragraphs (e), (f), and (g),
114 respectively, and a new paragraph (d) is added to that
115 subsection, to read:

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6 1008.22 Student assessment program for public schools.--

117 (2) NATIONAL EDUCATION COMPARISONS.--

118 (a) It is Florida's intent to participate in the
119 measurement of national educational goals. The Commissioner of
120 Education shall direct Florida school districts to participate
121 in the administration of the National Assessment of Educational
122 Progress, or a similar national assessment program, both for the
123 national sample and for any state-by-state comparison programs
124 which may be initiated. Such assessments must be conducted using
125 the data collection procedures, the student surveys, the
126 educator surveys, and other instruments included in the National
127 Assessment of Educational Progress or similar program being
128 administered in Florida. The results of these assessments shall
129 be included in the annual report of the Commissioner of
130 Education specified in this section. The administration of the
131 National Assessment of Educational Progress or similar program
132 shall be in addition to and separate from the administration of
133 the statewide assessment program.

134 (b) In order to ensure that Florida provides "a uniform,
135 efficient, safe, secure, and high quality system of free public
136 schools that allows students to obtain a high quality education
137 as required in s. 1, Art. IX of the State Constitution, the
138 Commissioner of Education shall adopt performance standards and
139 provide the resources necessary to ensure that Florida ranks in
140 the top half of state-by-state performance comparisons compiled
141 from United States Department of Education data. The comparisons
142 shall include, but not be limited to: National Assessment of
143 Education Progress (NAEP) fourth grade reading-scale score; NAEP
144 fourth grade math-scale score; NAEP eighth grade reading-scale
145 score, NAEP eighth grade math-scale score, high school
146 graduation rate, ACT scores among states with a comparable

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147 percentage of eligible population tested, SAT scores among
148 states with comparable percentage of eligible population tested,
149 students completing a bachelor's level degree within six years
150 of graduating high school, median pupil/teacher ratio in primary
151 grades, state expenditures per student, average teacher salary
152 adjusted for cost of living, average beginning teacher salary
153 adjusted for cost of living, and appropriations for higher
154 education per \$1,000 of personal income.

155 Section 5. Section 1008.33, Florida Statutes, is amended
156 to read:

157 1008.33 Authority to enforce public school
158 improvement.--It is the intent of the Legislature that all
159 public schools be held accountable for students performing at
160 acceptable levels. A system of school improvement and
161 accountability that assesses student performance by school,
162 identifies schools in which students are not making adequate
163 progress toward state standards, institutes appropriate measures
164 for enforcing improvement, and provides rewards and sanctions
165 based on performance shall be the responsibility of the State
166 Board of Education.

167 (1) Pursuant to Art. IX of the State Constitution
168 prescribing the duty of the State Board of Education to
169 supervise Florida's public school system and notwithstanding any
170 other statutory provisions to the contrary, the State Board of
171 Education shall intervene in the operation of a district school
172 system when one or more schools in the school district have
173 failed to make adequate progress for 2 school years in a 3-year
174 ~~4-year~~ period. For purposes of determining when an academy
175 program or a school is eligible for state board action and
176 ~~opportunity scholarships~~ for its students, the terms "2 years in
177 any 3-year ~~4-year~~ period" and "2 years in a 3-year ~~4-year~~

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178 period" mean that in any year that a school has a performance
179 category of "Declining," ~~grade of "F,"~~ the school is eligible
180 for state board action ~~and opportunity scholarships~~ for its
181 students if it also has had a performance category of
182 "Declining" ~~grade of "F"~~ in any of the previous 2 3 school
183 years. The State Board of Education may determine that the
184 school district or school has not taken steps sufficient for
185 students in the school to be academically well served.
186 Considering recommendations of the Commissioner of Education,
187 the State Board of Education shall recommend action to a
188 district school board intended to improve educational services
189 to students in each school that is designated as performance
190 ~~grade~~ category "Declining." ~~"F."~~ Recommendations for actions to
191 be taken in the school district shall be made only after
192 thorough consideration of the unique characteristics of an
193 academy program or a school, which shall include student
194 mobility rates, the number and type of exceptional students
195 enrolled ~~in the school,~~ and the availability of options for
196 improved educational services. The state board shall adopt by
197 rule steps to follow in this process. Such ~~steps shall provide~~
198 school districts sufficient time to improve student performance
199 in schools and the opportunity to present evidence of assistance
200 and interventions that the district school board has
201 implemented.

202 (a) An academy program or school shall not receive a
203 performance category of "Declining" if it has an overall
204 increase in student achievement. The safe-harbor threshold for
205 these schools shall be based on annualized, multi-year
206 improvements documented for the top 25 percent of Florida
207 schools for that grade level.

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208 **(b)** An academy program or school shall not receive a
209 performance category of "Declining" if it falls below its
210 previous year's score but maintains adequate performance
211 standards compared to other programs or schools in the state.

212 **(c)** The State Board of Education shall determine by rule
213 what constitutes "Improving," "Maintaining," and "Declining"
214 progress for the purposes of the state education performance
215 accountability system.

216 **(2)** The State Board of Education may recommend one or more
217 of the following actions to district school boards to enable
218 students in academy programs and schools designated as
219 performance ~~grade~~ category "Declining" "F" to be academically
220 well served by the public school system:

221 **(a)** Provide additional resources, change certain
222 practices, and provide additional assistance if the state board
223 determines the causes of inadequate progress to be related to
224 school district policy or practice;

225 **(b)** Implement a plan that satisfactorily resolves the
226 education equity problems in the academy program or school
227 related to factors that hamper increased student performance;

228 **(c)** Contract for the educational services of the academy
229 program or school, or reorganize the academy program or school
230 at the end of the school year under a new school principal who
231 is authorized to hire new staff and implement a plan that
232 addresses the causes of inadequate progress;

233 **(d)** Allow parents of students in the school to send their
234 children to another district school of their choice; or

235 **(e)** Other action appropriate to improve the school's
236 performance.

237 **(3)** In recommending actions to district school boards, the
238 State Board of Education shall specify the length of time

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239 available to implement the recommended action. The State Board
240 of Education may adopt rules to further specify how it may
241 respond in specific circumstances. No action taken by the State
242 Board of Education shall relieve an academy program or a school
243 from state accountability requirements.

244 (4) The State Board of Education may require the
245 Department of Education or Chief Financial Officer to withhold
246 any transfer of state funds to the school district if, within
247 the timeframe specified in state board action, the school
248 district has failed to comply with the action ordered to improve
249 the district's low-performing academy programs or schools.
250 Withholding the transfer of funds shall occur only after all
251 other recommended actions for school improvement have failed to
252 improve performance. The State Board of Education may impose the
253 same penalty on any district school board that fails to develop
254 and implement a plan for assistance and intervention for low-
255 performing schools as specified in s. 1001.42(16)(c).

256 Section 6. Section 1008.34, Florida Statutes, is amended
257 to read:

258 1008.34 School grading system; ~~district performance~~
259 category grade.--

260 (1) ANNUAL REPORTS.--The Commissioner of Education shall
261 prepare annual reports of the results of the statewide
262 assessment program which describe student achievement in the
263 state, each district, and each school. The commissioner shall
264 prescribe the design and content of these reports, which must
265 include, without limitation, descriptions of the performance of
266 all schools participating in the assessment program and all of
267 their major student populations as determined by the
268 Commissioner of Education, and must also include the median
269 scores of all eligible students who scored at or in the lowest

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270 25th percentile of the state in the previous school year;
271 provided, however, that the provisions of s. 1002.22 pertaining
272 to student records apply to this section.

273 (2) ACADEMY PROGRAM AND SCHOOL PERFORMANCE GRADE
274 CATEGORIES.--The annual report shall identify academy programs
275 and schools as being in one of the following performance grade
276 categories defined according to rules of the State Board of
277 Education:

- 278 (a) "Improving," "A," schools making excellent progress.
279 (b) "Maintaining," "B," schools making satisfactory above
280 average progress.
281 (c) "Declining," "C," schools not making satisfactory
282 progress.
283 ~~(d) "D," schools making less than satisfactory progress.~~
284 ~~(e) "F," schools failing to make adequate progress.~~

285
286 Beginning in the 2007-2008 school year, a school that has been
287 designated as performance category "F" in a prior school year
288 shall not be designated as performance category "Declining"
289 using the current year's data if that school has met the safe-
290 harbor threshold established in 1008.33 (1) (a). Each school
291 designated in performance grade category "A," making excellent
292 progress, or having improved at least two performance grade
293 categories, shall have greater authority over the allocation of
294 the school's total budget generated from the FEFP, state
295 categoricals, lottery funds, grants, and local funds, as
296 specified in state board rule. The rule must provide that the
297 increased budget authority shall remain in effect until the
298 school's performance grade declines.

299 (3) DESIGNATION OF SCHOOL PERFORMANCE GRADE
300 CATEGORIES.--For purposes of determining academy program or

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1 school performance, student performance should be based on all
302 students' annual learning gains and increased student
303 performance compared to the previous year. School performance
304 grade category designations itemized in subsection (2) shall be
305 based on the following:

306 (a) Timeframes.--

307 1. Academy program or school performance grade category
308 designations shall be based on the school's current year
309 performance of the academy program or school and its the
310 school's annual learning gains.

311 2. Beginning in school year 2007-2008, the performance
312 category designation of an academy program or a school shall be
313 determined based upon the following weighted factors, according
314 to rules adopted by the State Board of Education:

315 a. Fifty percent of the performance category shall be
316 based on students' FCAT scores.

317 b. Fifty percent of the performance category for both
318 learning gains and increased student performance shall be based
319 on data that are not based on the FCAT as determined by the
320 Department of Education.

321 ~~2. A school's performance grade category designation shall~~
322 ~~be based on a combination of student achievement scores, student~~
323 ~~learning gains as measured by annual FCAT assessments in grades~~
324 ~~3 through 10, and improvement of the lowest 25th percentile of~~
325 ~~students in the school in reading, math, or writing on the FCAT,~~
326 ~~unless these students are performing above satisfactory~~
327 ~~performance.~~

328 (b) Student assessment data.--Student assessment data used
329 in determining academy program and school performance grade
330 categories shall include:

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331 1. The aggregate scores of all eligible students enrolled
332 in the academy program or school who have been assessed on the
333 FCAT.

334 2. The aggregate scores of all eligible students enrolled
335 in the academy program or school who have been assessed on the
336 FCAT, including Florida Writes, and who have scored at or in the
337 lowest 25th percentile of students in the school in reading,
338 math, or writing, unless these students are performing above
339 satisfactory performance.

340
341 The Department of Education shall study the effects of mobility
342 on the performance of highly mobile students, teachers and
343 principals and recommend programs to improve the performance of
344 such students. The State Board of Education shall adopt
345 appropriate criteria for each ~~school~~ performance grade category.
346 The criteria must also give added weight to student achievement
347 in reading. Schools designated as performance ~~grade~~ category
348 "Maintaining" "~~C,~~" ~~making satisfactory progress,~~ shall be
349 required to demonstrate that adequate progress has been made by
350 students in the school who are in the lowest 25th percentile in
351 reading, math, or writing on the FCAT, including Florida Writes,
352 unless these students are performing above satisfactory
353 performance.

354 (4) SCHOOL IMPROVEMENT RATINGS.--The annual report shall
355 identify each school's performance as having improved, remained
356 the same, or declined. This school improvement rating shall be
357 based on a comparison of the current year's and previous year's
358 student and academy program or school performance data. ~~Schools~~
359 ~~that improve at least one performance grade category are~~
360 ~~eligible for school recognition awards pursuant to s. 1008.36.~~

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361 (5) SCHOOL PERFORMANCE ~~GRADE~~ CATEGORY AND IMPROVEMENT
362 RATING REPORTS.--School performance ~~grade~~ category designations
363 and improvement ratings shall apply to the each school's
364 performance of each academy program or school for the year in
365 which performance is measured. Each ~~school's~~ designation and
366 rating shall be published annually by the Department of
367 Education and the school district. Parents shall be entitled to
368 an easy-to-read report card about the designation and rating of
369 the academy program or school in which their child is enrolled.

370 (6) RULES.--The State Board of Education shall adopt rules
371 pursuant to ss. 120.536(1) and 120.54 to implement the
372 provisions of this section.

373 (7) PERFORMANCE-BASED FUNDING.--The Legislature may factor
374 in the performance of academy programs and schools in
375 calculating any performance-based funding policy that is
376 provided for annually in the General Appropriations Act.

377 (8) DISTRICT PERFORMANCE ~~GRADE~~.--The annual report
378 required by subsection (1) shall include district performance
379 categories ~~grades~~, which shall consist of weighted district
380 average performance categories ~~grades~~, by level, for all
381 elementary schools, middle schools, and high schools in the
382 district. A district's weighted average performance category
383 ~~grade~~ shall be calculated by weighting individual academy
384 program and school performance category designations ~~grades~~
385 determined pursuant to subsection (2) by school enrollment.
386 School districts shall have a variety of tools at their disposal
387 to maintain high performance standards. These tools shall
388 include, but not be limited to, giving academy programs and
389 schools that make performance category "Improving" greater
390 spending flexibility and operate free of many state categoricals
391 in their annual budgets.

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392 Section 7. Section 1008.36, Florida Statutes, is amended
393 to read:

394 1008.36 Every Child Matters Florida School Recognition
395 Program.--

396 (1) The Legislature finds that in order to provide every
397 student enrolled in K-12 public schools with the opportunity to
398 achieve a successful public education, academic problems must be
399 identified early and remediation and intervention services must
400 be provided. It is the intent of this section that no child
401 shall be left behind ~~there is a need for a performance incentive~~
402 ~~program for outstanding faculty and staff in highly productive~~
403 ~~schools. The Legislature further finds that performance based~~
404 ~~incentives are commonplace in the private sector and should be~~
405 ~~infused into the public sector as a reward for productivity.~~

406 (2) The Every Child Matters Florida School Recognition
407 Program is created to provide ~~financial awards to public schools~~
408 that:

409 (a) A curriculum-based, year-round measurement of learning
410 gains for all kindergarten through grade 12 students enrolled in
411 public schools. Sustain high performance by receiving a school
412 ~~grade of "A," making excellent progress; or~~

413 (b) Remediation and intervention services to all
414 kindergarten through grade 12 students enrolled in public
415 schools who are not meeting grade-appropriate performance
416 expectations, including FCAT scores. Demonstrate exemplary
417 ~~improvement due to innovation and effort by improving a letter~~
418 ~~grade.~~

419 (3) All public schools, including charter schools, that
420 ~~receive a school grade pursuant to s. 1008.34~~ are eligible to
421 participate in the program.

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422 (4) All academy programs and selected schools shall
423 receive financial assistance awards depending on the
424 availability of funds appropriated ~~and the number and size of~~
425 ~~schools selected to receive an award.~~ Funds must be distributed
426 to the school's fiscal agent and placed in the school's account
427 and must be used for purposes listed in subsection (5) as
428 determined jointly by the school's staff and school advisory
429 council. ~~If school staff and the school advisory council cannot~~
430 ~~reach agreement by November 1, the awards must be equally~~
431 ~~distributed to all classroom teachers currently teaching in the~~
432 ~~school.~~

433 (5) Every Child Matters Program funds ~~School recognition~~
434 ~~awards~~ must be used for the following:

435 (a) Administration of a regular formative assessment
436 approved by the State Board of Education ~~Nonrecurring bonuses to~~
437 ~~the faculty and staff;~~

438 (b) Nonrecurring expenditures for remediation of low-
439 performing students, including remediation programs and
440 intervention services adopted and administered by the Department
441 of Education;

442 (c) ~~(b)~~ Nonrecurring expenditures for educational equipment
443 or materials to assist in the remediation of low-performing
444 students; maintaining and improving student performance; or

445 (d) ~~(c)~~ Temporary personnel for the school to assist in the
446 remediation of low-performing students; maintaining and
447 improving student performance.

448 (e) Contracts with private sector participants to provide
449 remediation services provided that 90 percent of the personnel
450 providing services reside in the state and provided that the
451 contracts include requirements to ensure that the private sector
452 participants are accountable for performance;

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453 (f) Transportation of students pursuant to s. 1002.391.

454
455 ~~Notwithstanding statutory provisions to the contrary, incentive~~
456 ~~awards are not subject to collective bargaining.~~

457 Section 8. (1) The Department of Education shall provide
458 training and informational resources for educators to administer
459 the formative assessment program in 1008.36 (5)(a) and shall be
460 responsible for creating and implementing provisions for the
461 collection and analysis of the testing data.

462 (2) The Department of Education shall establish policies
463 and procedures for the development of individual education plans
464 for low-performing students who need remediation and
465 intervention services.

466 Section 9. This act shall take effect July 1, 2006.

467
468

469

470 ===== T I T L E A M E N D M E N T =====

471 Remove the entire title and insert:

472 A bill to be entitled
473 An act relating to education; amending s. 1002.20, F.S.;
474 providing that academy programs shall be an additional
475 public school choice option; amending s. 1002.31, F.S.;
476 revising components of the controlled open enrollment
477 plan; creating s. 1002.391, F.S.; requiring the Department
478 of Education to develop a plan for school districts to
479 establish academy programs in the public schools;
480 authorizing parents to transfer their children to
481 different academy programs and schools; providing funding
482 for student transportation; amending s. 1008.22, F.S.;
483 requiring the Commissioner of Education to adopt

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Amendment No. 1

484 performance standards and provide resources to meet
485 constitutional requirements; amending s. 1008.33, F.S.;
486 revising requirements relating to State Board of
487 Education enforcement of public school improvement;
488 specifying academy program and school performance
489 categories; amending s. 1008.34, F.S.; revising provisions
490 relating to the school and school district performance
491 grading system; providing performance categories for
492 academy programs and schools; providing the basis for
493 performance category designations; providing school
494 district tools for maintenance of high performance
495 standards; amending s. 1008.36, F.S.; renaming the Florida
496 School Recognition Program as the Every Child Matters
497 Program; revising program intent, purpose, participation,
498 and use of funds; requiring the department to provide
499 training and resources for certain student testing by
500 educators; requiring department policies and procedures
501 for the development of student individual education plans;
502 providing an effective date.
503

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Amendment No. 1

Bill No. 1619

COUNCIL/COMMITTEE ACTION

ADOPTED	<u>Y</u>	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	—	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	_____	

1 Council/Committee hearing bill: PreK-12 Committee

2 Representative Murzin:

3

4 **Amendment with title amendment**

5 Remove everything after the enacting clause and insert:

6 Be It Enacted by the Legislature of the State of Florida:

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10 Section 1. Paragraph (b) of subsection (1) of section
11 1001.43, Florida Statutes, is amended to read:

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1001.43 Supplemental powers and duties of district school board.--The district school board may exercise the following supplemental powers and duties as authorized by this code or State Board of Education rule.

(1)(b) Require uniforms to be worn by the student body, or impose other dress-related requirements, if the district school board finds that those requirements are necessary for the safety or welfare of the student body or school personnel. However, students may wear sunglasses, hats and other sun-protective wear while outside during school hours, such as when students are at recess.

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24 Section 2. New subsections (5) and (6) are added to
25 section 1003.02, Florida Statutes, to read:

26
27 1003.02 District school board operation and control of
28 public K-12 education within the school district.--As provided
29 in part II of chapter 1001, district school boards are
30 constitutionally and statutorily charged with the operation and
31 control of public K-12 education within their school district.
32 The district school boards must establish, organize, and operate
33 their public K-12 schools and educational programs, employees,
34 and facilities. Their responsibilities include staff
35 development, public K-12 school student education including
36 education for exceptional students and students in juvenile
37 justice programs, special programs, adult education programs,
38 and career education programs. Additionally, district school
39 boards must:

40 (5) (a) If selecting a vendor to market class rings to
41 students, select at least two vendors. Vendors selected by the
42 school board must not intimidate students with respect to the
43 purchase of class rings or discriminate against a student who
44 purchases a class ring from another vendor by excluding the
45 student from participating in any ceremony or activity relating
46 to the receipt of a class ring.

47 (b) Notify in writing each student and his or her parent
48 that the student may purchase his or her class ring through any
49 vendor regardless of the fact that the district school board may
50 contract with a vendor for marketing class rings. The
51 notification must include an explanation of the right of each
52 student purchasing a class ring to participate in any ceremony
53 or activity relating to the receipt of a class ring.

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54 (6) If entering into a contract with a photographer for
55 the purpose of taking student yearbook photographs, select at
56 least two photographers. A student's senior photograph must be
57 allowed to appear in the yearbook when taken by a photographer
58 not under contract with the district school board if the
59 photograph meets the reasonable specifications of the yearbook
60 staff for senior photographs.

61
62 Section 3. Subsection (1) of section 1006.22, Florida
63 Statutes, is amended to read:

64 1006.22 Safety and health of students being
65 transported.--Maximum regard for safety and adequate protection
66 of health are primary requirements that must be observed by
67 district school boards in routing buses, appointing drivers, and
68 providing and operating equipment, in accordance with all
69 requirements of law and rules of the State Board of Education in
70 providing transportation pursuant to s. 1006.21:

71 (1) (a) District school boards shall use school buses, as
72 defined in s. 1006.25, for all regular transportation. Regular
73 transportation or regular use means transportation of students
74 to and from school or school-related activities that are part of
75 a scheduled series or sequence of events to the same location.
76 "Students" means, for the purposes of this section, students
77 enrolled in the public schools in prekindergarten disability
78 programs and in kindergarten through grade 12. District school
79 boards may regularly use motor vehicles other than school buses
80 only under the following conditions:

81 1. (a) When the transportation is for physically
82 handicapped or isolated students and the district school board
83 has elected to provide for the transportation of the student
84 through written or oral contracts or agreements.

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85 2.(b) When the transportation is a part of a comprehensive
86 contract for a specialized educational program between a
87 district school board and a service provider who provides
88 instruction, transportation, and other services.

89 3.(e) When the transportation is provided through a public
90 transit system.

91 4.(d) When the transportation is for mid-day trips to and
92 from school sites or agricultural education sites or for trips
93 to and from agricultural education-related events or
94 competitions. ~~When the transportation of students is necessary~~
95 ~~or practical in a motor vehicle owned or operated by a district~~
96 ~~school board other than a school bus, such transportation must~~
97 ~~be provided in designated seating positions in a passenger car~~
98 ~~not to exceed 8 students or in a multipurpose passenger vehicle~~
99 ~~designed to transport 10 or fewer persons which meets all~~
100 ~~applicable federal motor vehicle safety standards. Multipurpose~~
101 ~~passenger vehicles classified as utility vehicles with a~~
102 ~~wheelbase of 110 inches or less which are required by federal~~
103 ~~motor vehicle standards to display a rollover warning label may~~
104 ~~not be used.~~

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105
106 ~~When students are transported in motor vehicles, the occupant~~
107 ~~crash protection system provided by the vehicle manufacturer~~
108 ~~must be used unless the student's physical condition prohibits~~
109 ~~such use.~~

110 (b) When the transportation of students is provided, as
111 authorized in this subsection, in a vehicle other than a school
112 bus that is owned, operated, rented, contracted, or leased by a
113 school district or charter school, the following provisions
114 shall apply:

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115 1. The vehicle must be a passenger car or multipurpose
116 passenger vehicle or truck, as defined in Title 49 C.F.R. part
117 571, designed to transport fewer than 10 students. Students must
118 be transported in designated seating positions and must use the
119 occupant crash protection system provided by the manufacturer
120 unless the student's physical condition prohibits such use.

121 2. An authorized vehicle may not be driven by a student on
122 a public right-of-way. An authorized vehicle may be driven by a
123 student on school or private property as part of the student's
124 educational curriculum if no other student is in the vehicle.

125 3. The driver of an authorized vehicle transporting
126 students must maintain a valid driver's license and must comply
127 with the requirements of the school district's locally adopted
128 safe driver plan which includes review of driving records for
129 disqualifying violations.

130 4. The district school board or charter school must adopt
131 a policy that addresses procedures and liability for trips under
132 this paragraph, including a provision that school buses are to
133 be used whenever practical and specifying consequences for
134 violation of the policy.

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135
136 Section 4. This act shall take effect July 1, 2006.

137
138
139 ===== T I T L E A M E N D M E N T =====

140
141 Remove the entire title and insert:

142
143 A bill to be entitled
144 An act relating to district school boards; amending s.
145 1001.43, F.S; allowing students to wear sun-protective
146 items while outside during school hours; amending s.
147 1003.02, F.S.; requiring each district school board that
148 selects a vendor to market student class rings to select
149 at least two vendors that meet certain criteria; requiring

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150 each district school board to notify students and parents
151 that the purchase of a class ring may be through any
152 vendor marketing class rings and that a student may
153 participate in related ceremonies or activities regardless
154 of the vendor through which the purchase was made;
155 authorizing district school boards to contract with
156 photographers for the purpose of taking student yearbook
157 photographs; requiring district school boards that
158 contract with photographers to select at least two
159 photographers; permitting the inclusion of certain
160 photographs; amending s. 1006.22, F.S.; revising
161 provisions for district school board transportation of
162 students in vehicles other than school buses; authorizing
163 use of such vehicles for mid-day trips and other trips to
164 and from certain sites and activities; revising criteria
165 for such vehicles and their use; requiring district school
166 boards and charter schools to adopt a policy that
167 addresses procedures and liability for trips using
168 vehicles other than school buses; providing an effective
169 date.
170

171

172

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES
Amendment to Amendment No. 1

Bill No. 1619

COUNCIL/COMMITTEE ACTION

ADOPTED	<u>Y</u>	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	—	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	_____	

1 Council/Committee hearing bill: PreK-12
2 Representative Murzin offered the following:

3
4 **Amendment to Amendment (1) by Representative Murzin** On
5 page 3, line 59, remove that line and insert:

6
7 photograph meets the reasonable specifications of the principal
8 and yearbook staff for senior photographs.
9
10

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